

REMARKS

Claims 1-34, 36-39, 41-48, 71, and 72 are pending in the application

Claims 1-34, 36-39, 41-48, and 71 stand allowed.

Claim 72 stands rejected.

Claim 72 has been cancelled.

The Examiner has stated that Applicant's after FINAL amendment, Faxed on June 2, 2004 was illegible and has therefore not been entered. The Advisory Action finding the Amendment illegible was sent by the Examiner 3 days after the 6 month point from the mailing of the Final Rejection. Normally, illegible Faxes are noticed upon receipt at the USPTO, and Applicant is notified to resubmit. Interestingly, while the Examiner found Applicant's response to be illegible, our request for an extension of time sent in the same Fax was not illegible, and the \$420 fee was charged to our account. While Applicant believes his acceptance of only previously allowed claims prior to the 6 month date after the Final rejection should have resulted in an allowance of the application, an RCE is now being filed.

The Examiner requested that the term "CORN" in the title be corrected. Applicant has amended the title to properly read: "IMPACT ADDITIVE OF THE CORE/SHELL TYPE FOR THERMOPLASTIC POLYMERS".

In the Advisory action, the Examiner pointed to "numerous missing letters " in Applicant's Specification, "such as in 'c re' in the last line of page 1." Applicant has obtained a copy of the application submitted by Applicant's agent Millen, White, Zelano & Branigan, and said copy of the original application does not contain the missing letter on page 1. Nonetheless, Applicant is supplying a Substitute Specification. The Substitute Specification matches the Specification of US. Patent Number 5,773,520, from which the present case is a Divisional

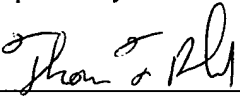
Application. Applicant has added the status of the parent application, and made the Abstract one paragraph rather than two. The Substitute Specification filed under 37 CFR 1.125(a) contains only subject matter from the original specification, and any previously entered amendment under 37 CFR 1.121. It is believed no new matter has been added.

Claim 72 stands rejected under 35 U.S.C. §102 and 103(a) as anticipated or obvious over Wang (USP 5,045,595). Claim 72 has been cancelled, making the only rejection to the claims mute.

All remaining claims: 1-34, 36-39, 41-48, and 71 stand allowed.

Since all remaining claims stand allowed, Applicant requests the Examiner to grant allowance to the present application containing the allowed claims.

Respectfully submitted,



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June 2, 2004 are attached, as well as the USPTO electronic receipt. A Substitute Specification is attached, as requested by the Examiner.

Attachments:

- Petition and fee for revival of an unintentionally abandoned application.
- Substitute Specification, including claims as currently amended.

In the Specification

Please amend the title to change the cite "CORN" to "CORE".

Please add the following paragraph to the beginning of the application to claim the parent application in this divisional case: "This application is a divisional application of US Ser. No. 738,768, filed October 28, 1996 and resulting in US Pat. No. 5,773,520."

The Abstract was amended to be one paragraph rather than two.

In the Claims:

1. (previously presented) A polyvinyl chloride composition containing a core/shell impact additive, said impact additive comprising:

a) 70 % to 90 % by weight of a crosslinked elastomeric core which is composed:

1) of 20 % to less than 100 % by weight of a nucleus composed of a copolymer (I) of an n-alkyl acrylate, the alkyl group having a carbon number ranging from 5 to 12, of a polyfunctional crosslinking agent possessing unsaturated groups in its molecule, at least one of which is a vinyl group and optionally of a polyfunctional grafting agent possessing unsaturated groups in its molecule, at least one of which is an allyl group, and

2) of more than 0 and not more than 80 % by weight, of a covering composed of a copolymer (II) of n-alkyl acrylate, the alkyl group of which has a carbon number ranging from 4 to 12, and a grafting agent possessing allyl groups, the said covering containing a molar amount of grafting agent ranging from 0.05 % to 2.5 %, said grafting agent having only allyl functional groups, all having the same reactivity and,

b) 30 % to 10 % by weight of a shell grafted onto the said core composed of a polymer of an alkyl methacrylate, the alkyl group of which has a carbon number ranging from 1 to 4, or alternatively of a statistical copolymer of an alkyl methacrylate, the alkyl group of which has a carbon number ranging from 1 to 4, and of an alkyl acrylate, the alkyl group of which has a carbon number ranging from 1 to 8, containing a molar amount of alkyl acrylate ranging from 5 % to 40 %, or alternatively composed of a styrene acrylonitrile copolymer.

2. (previously presented) A composition according to Claim 1, characterized in that the said impact additive comprises from

a) 75% to 85% of a crosslinked elastomeric core,

b) 25% to 15% of a shell grafted onto the said core.

3. (previously presented) A composition according to Claim 1, characterized in that the alkyl group of the n-alkyl acrylate of the copolymer (I) has a carbon number ranging from 5 to 8 and

that the alkyl group of the n-alkyl acrylate of the copolymer (II) has a carbon number ranging from 4 to 8.

4. (previously presented) A composition according to Claim 1, characterized in that the alkyl group of the alkyl acrylates of the mixture forming part of the copolymers (I) and/or (II) has a carbon number ranging from 4 to 8.

5. (previously presented) A composition according to Claim 1, characterized in that the crosslinking agent is chosen from derivatives possessing at least two vinyl double bonds of $\text{CH}_2=\text{C}<$.

6. (previously presented) A composition according to Claim 1, characterized in that the cross linking agent is chosen from derivatives possessing one or a number of vinyl double bonds and at least one allyl double bond of $\text{CH}_2=\text{CH}-\text{CH}_2-$.

7. (previously presented) a composition according to Claim 1, characterized in that the crosslinking agent is 1,4-butanediol diacrylate.

8. (previously presented) A composition according to Claim 1, characterized in that the crosslinking agent is allyl acrylate or methacrylate.

9. (previously presented) A composition according to Claim 1, characterized in that the grafting agent is chosen from derivatives possessing at least two allyl double bonds of $\text{CH}_2=\text{CH}-\text{CH}_2-$.

10. (previously presented) A composition according to Claim 1, characterized in that the grafting agent is chosen from derivatives possessing one or more allyl double bonds and at least one vinyl double bond.

11. (previously presented) A composition according to Claim 1, characterized in that the grafting agent is diallyl maleate.

12. (previously presented) A composition according to Claim 1, characterized in that the grafting agent is allyl acrylate or methacrylate.
13. (previously presented) A composition according to Claim 1, characterized in that the nucleus of the crosslinked core has a molar amount of crosslinking agent and optionally of grafting agent of between 0.5% and 1.5%.
14. (previously presented) A composition according to Claim 1, characterized in that the covering of the crosslinked core has a molar amount of grafting agent of between 0.5% and 1.5%.
15. (previously presented) A composition according to Claim 1, characterized in that the statistical copolymer of the shell has a molar amount of alkyl acrylate of between 10% and 20%.
16. (previously presented) A composition according to Claim 1, characterized in that the n-alkyl acrylates used to form the copolymer (I) are n-pentyl acrylate, n-hexyl acrylate, n-heptyl acrylate and n-octyl acrylate.
17. (previously presented) A composition according to Claim 1, characterized in that the n-alkyl acrylates used to form the copolymer (II) are n-butyl acrylate, n-pentyl acrylate, n-hexyl acrylate, n-heptyl acrylate and n-octyl acrylate.
18. (previously presented) A composition according to Claim 16, characterized in that the n-alkyl acrylate for forming the copolymers (I) and (II) is n-pentyl acrylate.
19. (previously presented) A composition according to Claim 16, characterized in that the n-alkyl acrylate for forming the copolymers (I) and (II) is n-hexyl acrylate.
20. (previously presented) A composition according to Claim 16, characterized in that the n-alkyl acrylate for forming the copolymers (I) and (II) is n-octyl acrylate.
21. (previously presented) A composition according to Claim 16, characterized in that the n-alkyl acrylate for forming the copolymers (I) and (II) is n-octyl acrylate.
22. (previously presented) A composition according to Claim 16, characterized in that the n-alkyl acrylate for forming the copolymer (I) is n-octyl acrylate and that the n-alkyl acrylate for forming the copolymer (II) is n-butyl acrylate.
23. (previously presented) A composition according to Claim 1, characterized in that the linear or branched alkyl acrylates constituting the mixture of alkyl acrylates used for forming the copolymers (I) and/or (II) are ethyl acrylate, n-propyl acrylate, n-butyl acrylate, amyl acrylate, 2-

methylbutyl acrylate, 2-ethylhexyl acrylate, n-hexyl acrylate, n-octyl acrylate, n-decyl acrylate, n-dodecyl acrylate and 3,5,5-trimethylhexyl acrylate.

24. (previously presented) A composition according to Claim 23, characterized in that use is made of an amount by weight of n-alkyl acrylate at least equal to 10% by weight of the mixture of alkyl acrylates.

25. (previously presented) A composition according to Claim 24, characterized in that use is made of an amount by weight of n-alkyl acrylate of between 20% and 80% by weight of the mixture of alkyl acrylates.

26. (previously presented) A composition according to Claim 1 characterized in the n-alkyl acrylate is n-octyl acrylate.

27. (previously presented) A composition according to Claim 1 characterized in that the alkyl methacrylate used to form the shell is methyl methacrylate.

28. (previously presented) A thermoplastic polymer composition containing a core/shell impact additive, said impact additive comprising:

a) 70 % to 90 % by weight of a crosslinked elastomeric core which is composed;

1) of 20% to less than 100% by weight of a nucleus composed of a copolymer (I) of an n-alkyl acrylate, the alkyl group of which has a carbon number ranging from 5 to 12, and of a polyfunctional crosslinking agent possessing unsaturated groups in its molecule, at least one of which is of a vinyl group, and optionally of a polyfunctional grafting agent possessing unsaturated groups in its molecule, at least one of which is an allyl group,

2) of an amount above 0%, but not more than 80 % by weight, of a covering composed of a copolymer (II) of n-alkyl acrylate, the alkyl group of which has a carbon number ranging from 4 to 12, and a grafting agent possessing allyl groups, the said covering containing a molar amount of grafting agent ranging from 0.05 % to 2.5 %, said grafting agent having only allyl functional groups, all having the same reactivity, and

b) 30 % to 10 % by weight of a shell grafted onto the said core composed of a polymer of an alkyl methacrylate, the alkyl group of which has a carbon number ranging from 1 to 4, or alternatively of a statistical copolymer of an alkyl methacrylate, the alkyl group of which has a carbon number ranging from 1 to 4, and of an alkyl acrylate, the alkyl group of which has a carbon number ranging from 1 to 8, containing a molar amount of alkyl acrylate ranging from 5 % to 40 %, or alternatively composed of a styrene-acrylonitrile copolymer.

29. (previously presented) A composition according to Claim 28, characterized in that the thermoplastic polymer is composed of a least one polycondensate selected from the group consisting of polyesters, poly(butylenes teraphthalate), polyamides, polyesteretheramides, polycarbonates and mixtures thereof.
30. (previously presented) A composition according to Claims 28, characterized in that the thermoplastic polymer is composed of one or a number of polymers selected from the group consisting of poly(alkyl methacrylate)s, particular poly (methyl methacrylate), optionally superchlorinated vinyl chloride homopolymers, copolymers which result from the copolymerization of vinyl chloride with at least one ethylenically unsaturated comonomer and which contain at least 80 % by weight of polymerized vinyl chloride; 1,1-dichloroethylene homopolymer, and 1,1-difluoroethylene homopolymer.
31. (previously presented) A composition according to Claim 30, characterized in that the thermoplastic polymer is a vinyl chloride homopolymer.
32. (previously presented) A composition according to Claim 29, characterized in that the thermoplastic polymer is a poly(butylenes teraphthalate).
33. (previously presented) A composition according to Claim 28 characterized in that the content of impact additive is between 1 part and 30 parts by weight per 100 parts by weight of the thermoplastic polymer used.
34. (previously presented) A composition according to Claim 33, characterized in that the content of impact additive is between 5 parts and 10 parts by weight per 100 parts by weight of the thermoplastic polymer used.
35. (cancelled)
36. (previously presented) A composition according to Claim 30, characterized in that the thermoplastic polymer is a 1,1-difluoroethylene homopolymer.
37. (previously presented) A composition according to Claim 36, wherein the covering constitutes at least 5 % by weight of said core.
38. (previously presented) A composition according to Claim 37, wherein the covering constitutes at least 10% by weight of said core.
39. (previously presented) A composition according to Claim 1 wherein the core does not contain a covering.
40. (cancelled)

41. (previously presented) A composition according to claim 28, wherein said impact additive comprises:

a) 70-90 % by weight of a crosslinked elastomeric core compound of:

1) 20-90 % by weight of a nucleus comprising a copolymer of n-octyl acrylate and 1,4-butanediol diacrylate, and

2) surrounding said nucleus above 0% but not more than 80% by weight of a covering comprising a copolymer of n-octyl acrylate and diallyl maleate, and

b) surrounding said core, 30-10 % by weight of a shell grafted onto the said core, said shell composed of a polymer of an alkyl methacrylate, the alkyl group of which has a carbon number ranging from 1 to 4, or alternatively of a statistical copolymer of an alkyl methacrylate, the alkyl group of which has a carbon number ranging from 1 to 4, and of an alkyl acrylate, the alkyl group of which has a carbon number ranging from 1 to 8, containing 2. molar amount of alkyl acrylate ranging from 5 % to 40 %. or alternatively composed of a styrene-acrylonitrile copolymer.

42. (previously presented) A composition according to claim 41, wherein said nucleus is about 90 % by weight of said core and. said covering is about 10 % by weight.

43. (previously presented) A composition according to claim 42, wherein said shell consists essentially of poly(methyl methacrylate)

44. (previously presented) A composition according to claim 41, wherein said impact additive comprises from:

a) 75 % to 85 % of said crosslinked elastomeric core,

b) 25 % to 15 % of said shell grafted onto the said core.

45. (previously presented) A composition according to claim 41, or characterized in that the alkyl methacrylate used to form the shell is methyl methacrylate.

46. (previously presented) A composition according to claim 41, wherein the covering of the crosslinked core has a molar amount of grafting agent of between 0.5 % and 1.5 %.

47. (previously presented) A composition according to claim 1, wherein a) 2) is present in an amount more than 0% by weight.

48. (previously presented) A composition according to claim 1, wherein the composition contains a major amount of polyvinyl chloride and a minor amount of said impact additive.

Claims 49-70 (cancelled)

71. (previously presented) A thermoplastic polymer composition containing a core/shell impact additive, said impact additive comprising:

a) 70 % to 90 % by weight of a crosslinked elastomeric core which is composed:

1) of 20 % to less than 100 % by weight of a nucleus composed of a copolymer (I) of

- an n-alkyl acrylate, the alkyl group having a carbon number ranging from 5 to 12,

- a polyfunctional crosslinking agent possessing unsaturated groups in its molecule, at

least one of which is a vinyl group, and

- diallyl maleate as a grafting agent, and

2) of more than above 0% but not more than 80 % by weight of a covering composed of a copolymer (II) of

- the n-alkyl acrylate of copolymer (I)

- the polyfunctional crosslinking agent of copolymer (I) and

- diallyl maleate as a grafting agent in a molar amount from 0.05 % to 2.5 % of copolymer (II)

wherein said core is produced by simultaneously introducing the polyfunctional crosslinking agent and the diallyl maleate into the reaction mixture and the production of the covering is carried out at a temperature greater than that used for the preparation of the nucleus, and

b) 30 % to 10 % by weight of a shell grafted onto the said core composed of a polymer of an alkyl methacrylate, the alkyl group of which has a carbon number ranging from 1 to 4, or alternatively of a statistical copolymer of an alkyl methacrylate, the alkyl group of which has a carbon number ranging from 1 to 4, and of an alkyl acrylate, the alkyl group of which has a carbon number ranging from 1 to 8, containing a molar amount of alkyl acrylate ranging from 5 % to 40 %, or alternatively composed of a styrene-acrylonitrile copolymer.

72. (cancelled)